

Private client advice

Conveyancing

Understanding the
sale process

Tallents
Solicitors

Conveyancing

what does it all mean?

When you sell a house, you'll come across lots of confusing legal terms.

We hope this guide will break down the legal jargon and help you to understand the sale process.

Our legal experts are here to help you. We cannot emphasise enough the importance of you asking us to explain something you really don't understand as the sale progresses.

We have yet to be asked anything we think is a silly question, so please, ask away!

What is conveyancing?

Conveyancing is the process of
buying and selling land
– usually with a house on it.

If you are reading this guide, you are likely to have got passed the first hurdle, which is finding a house to buy or finding a buyer for your property.

After you have accepted an offer your estate agents will ask you for details of your chosen solicitor.

The estate agents will then notify your solicitor, and any other interested party, of the necessary details of the property, including the price and any special terms that may have been agreed.

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There are several general steps taken during the sale process. We will take you through the processes relevant to your situation. Please read on to find out more about them.

Signing contracts to legally sell the property

Once your contracts are ready we will invite you into the office to sign them. Please note that signing the contract is not the same as exchanging contracts. We ask you to sign the contracts in readiness for us to exchange contracts with your buyers.

Exchange of contracts

When you are buying a property, we will not exchange contracts until you have agreed the terms of your mortgage offer and we know you are going to be in a position to buy the house.

Exchange of contracts can only take place when everyone involved in the chain are ready to do so. When you have agreed and signed your contracts we will exchange contracts with the other parties provided a completion date has been agreed.

The completion date is the moving date, i.e. the day you can pick up the keys for the house that you are buying. Usually, the completion date is a week or more after exchange of contracts. In certain circumstances, however, it can be less than a week.

It is important for you to be happy with the agreed completion date. We will not exchange contracts until we have agreed that date with you.

Prior to exchange of contracts, it is important that you have secured your removal arrangements. Some removal firms will allow you to make a provisional booking.

Once we have exchanged contracts we will confirm the completion date with you. This will allow you to confirm the removal date having made a provisional booking.

Sale of your property

When you are selling your property we will need to obtain a redemption figure from your bank/building society to enable us to pay off your mortgage from the proceeds of sale. We will send a copy of the redemption statement for you to confirm it is correct.

Insurance

Even though you are selling we would advise you to continue insuring your property until the completion date has passed.

Moving day – the completion date

We will contact you once the proceeds from your sale have been received from your purchaser's solicitors we will be available to discuss any queries you may have during your moving day.

Once you have moved out, you should hand your keys to your estate agent who will then hand them over to your buyer once we have confirmed the necessary funds have arrived into our bank account from your buyer's solicitor.

Please remember that as you are selling, the contract will state that you are selling with vacant possession meaning that the property will be free of all of your furniture, personal effects and rubbish (unless you have agreed otherwise in the Fittings and Contents Form).

Post completion

After completion, we will account for any monies relevant in your transaction by way of a completion statement. This allows you to see all finances involved in your sale.

What other important documents do you need to retain?

Whilst living at your new home, you may want to improve or carry out maintenance to it. If you update or replace anything, please keep all relevant documentation relating to the changes pending a later sale. Some examples are:

- Any new windows or doors will require a FENSA certificate. This should be issued by your contractor.
- If you carry out electrical, gas or plumbing works, you will need to obtain a certificate from the appropriate competent person.
- If you do any structural work or alterations, you will need to obtain (where necessary) planning permission, building regulation approval and completion certificates.
- If you do any work that needs the consent of a developer, or the consent to any previous owners, then it will be necessary to obtain written consent before you complete those works.

We will advise you of any need to see these documents when we go through the purchase contract with you.

Sometimes we will have advised you that it is important that you obtain an indemnity policy. It is therefore advisable to contact us before you carry out any type of work to your property so that we can remind you should it be necessary to either obtain consent and/or an indemnity policy.

- Keep any guarantees that you receive from any contractors in relation to any works carried out to the property.

- If you are told by the planning authority that you do not need any permission for the work, it is advisable to get written confirmation of this from the council, as in later years we have found it difficult to prove that permission was not required. If you have confirmation in writing, then there can be no doubt.

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We hope that this guide has helped you understand the conveyancing process a little better.

If you have any questions at all during the sale of a property, please contact us so that we can put your mind at rest.

Good luck with your move!



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Note: All information is correct at time of publication.
We recommend you always consult your lawyer before taking any action.

Call us now to find out how we can help you.

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